

CARL SANDBURG HOME NATIONAL HISTORIC SITE
BOUNDARY REVISION ACT OF 2007

MAY 17, 2007.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 1100]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1100) to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Carl Sandburg Home National Historic Site Boundary Revision Act of 2007”.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) MAP.—The term “map” means the map entitled “Sandburg Center Alternative” numbered 445/80,017 and dated April 2007.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) HISTORIC SITE.—The term “Historic Site” means Carl Sandburg Home National Historic Site.

SEC. 3. CARL SANDBURG HOME NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT.

(a) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange not more than

110 acres of land, water, or interests in land and water, within the area depicted on the map, to be added to the Historic Site.

(b) VISITOR CENTER.—To preserve the historic character and landscape of the site, the Secretary may also acquire up to five acres for the development of a visitor center and visitor parking area adjacent to or in the general vicinity of the Historic Site.

(c) BOUNDARY REVISION.—Upon acquisition of any land or interest in land under this section, the Secretary shall revise the boundary of the Historic Site to reflect the acquisition.

(d) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(e) ADMINISTRATION.—Land added to the Historic Site by this section shall be administered as part of the Historic Site in accordance with applicable laws and regulations.

PURPOSE OF THE BILL

The purpose of H.R. 1100 is to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina.

BACKGROUND AND NEED FOR LEGISLATION

Carl Sandburg Home National Historic Site is dedicated to preserving the legacy of Carl Sandburg and communicating the stories of his works, life and significance as an American poet, writer, and historian. The Carl Sandburg Home National Historic Site preserves and interprets the farm, Connemara, where Sandburg and his family lived for the last 22 years of his life (1945–1967). The historic site was established as a unit of the National Park System in 1968.

The historic site's enabling legislation authorized the purchase of 248 acres. A boundary expansion was authorized in 1980 to accept 16 acres of land donated by the North Carolina Nature Conservancy. The National Park Service currently owns 263 of the 264 acres within the legislative boundary.

As required by the National Park Service's policies on land protection, the historic site's 2003 General Management Plan (GMP) identified and evaluated boundary adjustments that may be necessary or desirable in order to carry out the purposes of the historic site. The preferred alternative from the GMP, as reflected in the resulting Record of Decision, recommended a boundary addition of 115 acres, of which not more than 5 acres are for the construction of a new visitor center and parking lot. Congressional authorization is required to expand the boundary of the historic site.

H.R. 1100 authorizes the Secretary to acquire up to 115 acres of lands or interests therein from willing sellers by donation, purchase with donated or appropriated funds, or exchange; upon acquisition, the Secretary is required to update the boundary of the historic site to include the acquired lands.

COMMITTEE ACTION

H.R. 1100 was introduced on February 15, 2007 by Representative Heath Shuler (D–NC). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On April 17, 2007 the Subcommittee held a hearing on the bill. On April 19, 2007, the Subcommittee met to mark up the bill. Representative Shuler offered an amendment in the nature of a substitute that

made technical changes to the bill to incorporate a map of the boundary additions and bring the legislation into conformance with recent legislation authorizing boundary expansions. Representative Rob Bishop (R-UT) offered an amendment to Representative Shuler's amendment to reduce the boundary addition from 115 acres to 5 acres. It was not adopted by a roll call vote of 7 yeas to 8 nays, as follows:

Committee on Natural Resources
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS & PUBLIC LANDS
 U.S. House of Representatives
 110th Congress

Date: April 19, 2007

Convened:

Adjourned:

Meeting on: **HR 1100**. A Bishop amendment to Mr. Shuler's amendment in the nature of a substitute was not agreed to by a roll call vote of 7 yeas, and 8 nays.

MEMBERS	Yea	Nay	Pres
Mr. Grijalva, AZ, Chairman		✓	
Mr. Bishop, UT	✓		
Mr. Kildee, MI		✓	
Mr. Duncan, TN			
Mr. Abercrombie, HI		✓	
Mr. Cannon, UT			
Mrs. Christensen, VI			
Mr. Tancredo, CO			
Mr. Holt, NJ			
Mr. Flake, AZ	✓		
Mr. Boren, OK		✓	
Mr. Renzi, AZ			
Mr. Sarbanes, MD		✓	
Mr. Pearce, NM	✓		
Mr. DeFazio, OR			
Mr. Brown, SC			
Mr. Hinchey, NY			
Mr. Gohmert, TX			
Mr. Kind, WI			
Mr. Cole, OK			
Mrs. Capps, CA		✓	
Mr. Heller, NV	✓		
Mr. Inslee, WA		✓	
Mr. Sali, ID	✓		
Mr. Mark Udall, CO			
Mr. Lamborn	✓		
Ms. Herseth Sandlin, SD			
Mr. Shuler, NC		✓	
Total	7	8	

May 17, 2007 (12:14pm) 1/3 to meet, 2/3 + 1 to Report

The Shuler amendment was adopted by voice vote. The bill was then forwarded to the Full Committee as amended by voice vote. On May 2, 2007, the Full Natural Resources Committee met to consider the bill and agreed to consider a committee print incorporating the subcommittee amendment as original text. Representative Rob Bishop (R-UT) offered an amendment to reduce the boundary addition from 115 to 5 acres. It was not adopted by voice vote. Representative Dean Heller (R-NV) offered an amendment to eliminate the authorization of appropriated funds for use in acquiring 110 acres of the boundary addition. It was not adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 entitles the bill the “Carl Sandburg Home National Historic Site Boundary Revision Act of 2007.”

Section 2. Definitions

Section 2 defines the terms used in this act.

Section 3. Carl Sandburg Home National Historic Site boundary adjustment

Section 3(a) increases the acquisition authority of the Secretary for the Historic Site by 110 acres as depicted on the referenced map.

Section 3(b) authorizes the Secretary to acquire up to 5 additional acres for the purposes of the development of a visitor center and parking area.

Section 3(c) requires the Secretary to revise the boundary of the Historic Site upon acquisition of land under this section.

Section 3(d) requires that the referenced map be on file in the appropriate National Park Service offices.

Section 3(e) requires that land added to the Historic Site under this section be administered as part of the Historic Site in accordance with applicable laws and regulations.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill pre-

pared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 1100—Carl Sandburg Home National Historic Site Boundary Revision Act of 2007

H.R. 1100 would authorize the National Park Service (NPS) to acquire 115 acres to be added to the boundary of the Carl Sandburg Home National Historic Site in North Carolina. Under the bill, the NPS could acquire that acreage, or lesser property interests such as easements, by purchase, donation, or exchange.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 1100 would cost \$7 million over the next several years. We estimate that about half of that amount would be used by the NPS to acquire about 115 acres of land near the existing historic site. (Such costs could be lower if the NPS can acquire easements for some of the acreage.) The remaining funds would be used to construct and equip a visitor center and related facilities near the site. We estimate that costs to manage the additional acreage and operate new visitor facilities would be less than \$500,000 a year, assuming the availability of appropriated funds. This estimate is based on information provided by the NPS. Enacting H.R. 1100 would have no effect on direct spending or revenues.

H.R. 1100 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 1100 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or (f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS

H.R. 1100 is an egregious example of land-grabbing legislation. Despite a legislative hearing and two markups, neither the Majority, nor the bill's sponsor have ever made a compelling case for this boundary expansion. To be fair, the National Park Service did make a case for a five acre expansion for a visitor center and parking lot to address safety concerns and to enhance the visitor experience. The additional 110 acres have been proposed to protect a "viewshed." Notwithstanding the inherent problems with creating buffer zones, this bill has the additional complication of attempting to protect a view that is not visible from the actual park unit. From the evidence presented to the Committee, and accepted by the Majority, the land in question is not visible from nearly the entire historic site. Rather the viewshed is on the other side of a ridge which marks the park's boundary. The 110 proposed acres are clearly out of view of the Carl Sandburg home, which this National Park unit is designed to preserve and interpret. We have seen no evidence that this augmentation of the immense federal estate will in any way enhance the visitor experience or even protect the National Historic Site.

A Henderson County Commissioner testified on the bill that when the Sandburg Historic Site was established, it was limited to preserving the home of Carl Sandberg. Now, as he explained, the park has "evolved", and here we are, having found yet another way to increase the federal inventory of land.

This site was designed to recognize the great author Carl Sandberg, not about creating another plan for federal land use controls on private property. The County of Henderson appears to be in much better financial shape than the U.S. Government, with revenues exceeding expenditures. If this land is critical to its future, perhaps it should float a bond issue for open space and buy it.

On April 19, 2007, in subcommittee markup, Congressman Rob Bishop offered a responsible amendment to reduce the authorized boundary expansion from 115 acres to 5 acres, providing sufficient land for the Park Service's needs. This amendment was defeated on a party line 7-8 vote following a shameful extension which delayed the vote's conclusion long enough for the Majority to round up the necessary votes to defeat it. Equally abhorrent was the Chairman's decision to disenfranchise a Republican committee member who was present. After the Majority located a sufficient number of votes to defeat this reasonable amendment, they ended the roll call despite the presence of another Republican Committee member who wanted to vote.

At the full committee markup on May 2, 2007, again the Majority offered no convincing justification for the land acquisition, but offered that National Park Service wants this land. This Com-

mittee rarely hears from the National Park Service about land it does not want, and its desire to own more property hardly constitutes a hurdle. Congressman Bishop again offered his amendment to authorize acquisition of 5 acres to enhance the visitor experience. This was rejected by Majority as was a compromise amendment offered by Congressman Heller that would have authorized the 115 acre boundary expansion if the land was donated, purchased with donated funds, or acquired by exchange. Characteristically, the Majority rejected this reasonable amendment.

We realize that our colleagues in the Majority have grown weary of hearing about the National Park Service's maintenance backlog, but even they should be able to understand that there are more immediate needs in the National Park System than its endless expansion. Now is not the time to continue feeding the National Park Service's appetite for land acquisition and further exacerbate its backlogged responsibilities.

ROB BISHOP.
 STEVAN PEARCE.
 BILL SALI.
 DOUG LAMBORN.
 BILL SHUSTER.
 CATHY McMORRIS RODGERS.
 CHRIS CANNON.
 JEFF FLAKE.
 DEAN HELLER.
 LOUIS GOHMERT.
 TOM COLE.
 DON YOUNG.